IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Con.Case(C).No. 322 of 2007(M)

AGAINST JUDGMENT DATED 23.5.2006 IN W.P.(C) NO.7442 OF 2005

PETITIONER/PETITIONER

ADIMAKUTTY, S/O. AMMU, AGED 53 YEARS,
ANJUMURI VEETTIL, VAZHAKKALA VILLAGE,
KAKKANAD WEST P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS/RESPONDENTS 1 & 2:
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1. MUHAMMED HANEESH,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
DISTRICT COLLECTOR, ERNAKULAM.

2. MINI ANTONY,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
REVENUE DIVISIONAL OFFICER, FORT KOCHI,
ERNAKULAM DISTRICT.

BY SR.GOVERNMENT PLEADER MR.M.R.SABU
SRI.K.P.PRADEEP, ADVOCATE COMMISSIONER

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

Cont.Case (C)No.322 of 2007

Dated, this the 10th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

This Court while disposing of W.P.(C) No.7442 of 2005 by its order dated 23rd May, 2006 had issued the following directions to the respondents in the writ petition. The directions are as under:

> "In the above circumstances this writ petition is disposed of directing the District Collector, Ernakulam and the Revenue Divisional Officer, Fort Kochi to see that the survey referred to above is completed within a period of three months from the date of receipt of a copy of this judgment. Thereafter, the respondents will take appropriate action required under law for evicting the encroachers within another three months, in accordance with law."

2. Complaining that the respondents have not carried out the positive directions issued by this Court, the petitioner in the writ petition has filed the present contempt petition.

3. The respondents are served and they have entered appearance through their counsel. They have filed their detailed affidavits before this Court. In that they have stated that they have made a survey of the encroachment complained by the petitioner in the writ petition and thereafter have taken effective steps to evict the encroachers.

4. Though there is some dispute with regard to the eviction of the so-called encroachers, after going through the report of the Court Commissioner whom we had appointed at the instance of the petitioner and also the affidavits filed by respondents 1 and 2, we are satisfied that there is substantial compliance with the orders and directions issued by this Court while disposing

of W.P.(C) No.7442 of 2005.

5. In view of the above, at present, we need not to have proceeded further with this contempt petition. Accordingly, the proceedings are dropped. However, liberty is reserved to the petitioner, if he so desires, to approach this Court once over again for appropriate relief, if for any reason some encroachments are there in Vazhakkala – Moolepadom Thodu obstructing the free flow of water.

6. In view of the order passed in the contempt petition, the reliefs sought in I.A.Nos.287 and 395 of 2005 need not be considered by this Court. Accordingly they are rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns